LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

October 1, 2009

ROBERT J. SAMANIE, III CHAIRMAN

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting and are not a verbatim transcript of the proceedings.

Tapes of the meetings are kept at the Louisiana Department of Wildlife and Fisheries 2000 Quail Drive

Baton Rouge, Louisiana 70808.

For more information, call (225) 765-2806.

AGENDA LOUISIANA WILDLIFE AND FISHERIES COMMISSION BATON ROUGE, LOUISIANA OCTOBER 1, 2009

				Page
1.	Roll Call			1
2.	Approval of Minutes of September 3, 2009	1		
3.	Commission Special Announcements/Personal Privilege			1
4.	To receive and hear Enforcement & Aviation Reports/September		1	
5.	To receive and consider Notice of Intent on Wildlife Rehabilitation Changes	2		
6.	To receive and hear Update on Statewide Turkey Poult Survey		8	
7.	To receive and consider Declaration of Emergency and Notice of Intent on Elmer's Island Wildlife Refuge			10
8.	Set February 2010 Meeting Date	14		
9.	Receive Public Comments		14	
10.	Adjournment		14	

MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, October 1, 2009

Chairman Robert J. Samanie, III presiding.

Ronny Graham Earl King, Jr. Stephen Oats Stephen Sagrera Ann Taylor

Secretary Robert Barham was also present.

Commissioner Patrick Morrow was absent from the meeting.

Chairman Samanie called for a motion for approval of the **September 3, 2009 Commission Minutes**. A motion for approval was made by Commissioner King and seconded by Commissioner Oats. The motion passed with no opposition.

Under Commission Special Announcements/Personal Privilege for this month, Chairman Samanie stated this meeting was a test run of live streaming on the Department's website.

To receive and hear Enforcement & Aviation Reports/September began with Lt. Col. Keith LaCaze stating this month was the first segment of dove season and the special teal season. The Labor Day weekend had a lot of boating activity. A total of 1,357 citations and 327 written warnings were issued and agents helped with 48 public assists. A total of 246 citations for the dove and teal seasons were issued with the majority being for hunting over baited areas, hunting with unplugged guns and possession of a duck other than a teal. Other citations included no license, over the limit of ducks, tagging violations and no Federal stamp. There were 12 boating accidents reported with 5 injuries and 3 fatalities for the month. The fatalities discussed occurred in Calcasieu and Jefferson Parishes. The Aviation Report showed two of the Department's three planes flew a total of 94.7 hours during September. News Releases discussed included arresting an individual for operating a vessel while intoxicated and child endangerment in Vermilion Parish and seizure of over 2500 sacks of oysters from unleased state waters that were returned to the waters. The Academy was continuing with 7 cadets. With the general hunting season beginning, the officers would be out patrolling and checking the WMAs and hunters.

To receive and consider Notice of Intent on Wildlife Rehabilitation Changes was presented by Mrs. Carrie Salyers. She began by defining wildlife rehabilitation as "the housing, treatment and temporary care of injured and orphaned animals" with the goal of releasing these healthy animals back to the wild. There are 62 individuals currently participating in this program with no formal rules which was the reason for the proposed rule. Proposed requirements included: an individual must be at least 18 years of age, not convicted of a Class 2 or higher violation, the application packet will include a liability release and financial responsibility statement (the Department will not provide any financial assistance to these individuals), achieve a minimum score of 80 percent on a basic wildlife rehabilitation exam, attend and complete a Department approved wildlife rehabilitation class, provide verification of veterinarian support and inspection of all facilities prior to a permit being issued. Once these individuals complete that process, they would then be legal to rehabilitate animals. Some individuals wanting to work with rabies vector species (raccoons, foxes, coyotes, skunks and bats) would need to complete the above process and pass a RVS exam. This permit does not cover migratory birds, alligators, wild turkeys or bears. Mrs. Salvers then explained the process for deer and fawns. If a call was received on a fawn, the individual would be encouraged to leave it where it was found so the mother could return to claim it. Knowing there are some instances this does not occur, the Department has designated one wildlife rehabilitator per region and the deer must be brought to that person from Department staff and not just from the public. Realizing some wildlife rehabilitators may need help during the year, up to 5 individuals or sub-permittees would be allowed per permit. The requirements for the sub-permittees included they must be at least 18 years of age, exempt from the test but comply with all of the other requirements, complete an application and have it on file so the Department will know where the animals may be (the sub-permittee would be allowed to take animals off site), and may not transport or possess a RVS species unless they opt to take and pass the same test as wildlife rehabilitators. General permit rules would not allow any animal in this program to be imported or exported out of state, there would be a set possession time to care for the animal, the permit would expire December 31 of each year, the animal could not be released on public or private lands unless written permission was obtained from the landowners and all animals would be subject to minimal handling. Following the presentation, Commissioner Sagrera asked how many rehabilitators are currently in the state and Mrs. Salvers stated 62. She added there were certain regions of the state with more interest than others. Hearing no further questions, Commissioner Oats made a motion to adopt the Notice of Intent and it was seconded by Commissioner Graham. The motion passed with no opposition.

(The full text of the Notice of Intent is made a part of the record.)

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby establish rules for the permitting and operation of wildlife rehabilitators.

Title 76

WILDLIFE AND FISHERIES

PART V. Wild Quadrupeds and Wild Birds

Chapter 1. Wild Quadrupeds

§131. Wildlife Rehabilitation Program

A. Purpose

1. The purpose of this Section is to establish rules for the permitting and operation of wildlife rehabilitators.

B. Definitions

Rabies vector species (RVS) - mammalian species defined by Louisiana Department of Wildlife and Fisheries (LDWF) as potential carriers of the rabies virus including, but not limited to the following: raccoons, foxes, coyotes, skunks, and bats.

Subpermittee - person authorized to conduct rehabilitation activities under the supervisory responsibility of a wildlife rehabilitator.

Supervisory responsibility - to direct actions and accept responsibility for the actions of a named individual engaged in wildlife rehabilitation activities.

Wildlife rehabilitation – activity that provides housing, treatment and temporary care of injured and/or orphaned indigenous animals with the goal of subsequent release of those healthy animals to appropriate habitats in the wild.

Wildlife rehabilitator - a person who is permitted by the LDWF to engage in the practice of wildlife rehabilitation.

C. Permits

1. It shall be unlawful for any person to keep, hold or possess in captivity any sick, injured or orphaned wildlife (except fish) or otherwise engage in wildlife rehabilitation without first obtaining at no charge, a LDWF Wildlife Rehabilitation Permit (WRP). In addition to the WRP, a United States Fish and Wildlife Service (USFWS)

rehabilitation permit must be in possession to rehabilitate species covered by the Migratory Bird Treaty Act or Endangered Species Act.

2. A WRP authorizes the permittee to transport; temporarily possess; rehabilitate; transfer to a practicing veterinarian or another wildlife rehabilitator for treatment or euthanasia; release; or euthanize an injured, diseased, disabled, orphaned or otherwise debilitated live wildlife specified on their permit. Animals held under a WRP shall not be displayed for educational purposes or otherwise displayed or exposed to the public unless that individual animal has been permitted by LDWF or USFWS for that purpose.

D. Exemptions

- 1. Employees of the LDWF are exempt from all state wildlife rehabilitation permit requirements while they are on duty.
- 2. Licensed veterinarians are exempted, provided they are treating an animal under the authorization of a wildlife rehabilitator or LDWF employee, or are treating an animal taken in from the public, provided the animal is released into an appropriate habitat or accepted by a wildlife rehabilitator within 72 hours after receiving.

E. Permit Requirements

- 1. All applicants must be 18 years of age or older.
- 2. Anyone who has been convicted of a Class II or greater wildlife violation in Louisiana, or the equivalent in another state within the past three (3) years, or has been convicted of a felony in Louisiana or another state, shall not be eligible for a WRP.
- 3. All applicants must complete a WRP application, liability release, and financial responsibility statement.
- 4. The applicant must achieve a minimum score of 80 percent on either the LDWF general wildlife rehabilitation or Rabies Vector Species examination. A passing score on the general wildlife rehabilitation exam is required before an individual and named subpermittees will be issued a WRP excluding RVS. A passing score on the Rabies Vector Species examination is required for a WRP that authorizes rehabilitation of RVS.
- 5. All applicants must attend and successfully complete a LDWF approved wildlife rehabilitation class prior to or within 6 months of receiving their WRP. Failure to attend and successfully complete the class will result in the revocation of the WRP.
- 6. All applicants must provide verification of having access to veterinary services by submitting a Statement of Veterinary Support Form provided by LDWF.

7. All facilities where animals will be housed or maintained will be inspected by LDWF prior to receiving a WRP.

F. General Rules

- 1. The WRP will not exempt the holder from regulations of other state, federal, parish or municipal governments or agencies.
 - 2. Sale of any animal held under a WRP is prohibited.
- 3. No animal held under a WRP may be used for human consumption, unless specifically approved.
- 4. No Louisiana S1-ranked species may be held under a WRP, without written authorization from the LDWF Wildlife Division.
- 5. No animal intended for wildlife rehabilitation may be imported into or exported out of the state of Louisiana without written authorization by LDWF Wildlife Division.
- 6. The WRP does not authorize the possession of white-tail deer, bears, wild turkeys, alligators, or rabies vector species (RVS) unless specifically stated on the permit.
- 7. a. WRP holders shall not possess a non-migratory bird for more than 90 days, other injured wildlife longer than 45 days, or other orphaned wildlife no longer than required to prepare the animal for release, but not to exceed 120 days, except a permit holder may submit a written request for extension of possession if:
- i. the specified animal will likely be releasable after the time frame listed above but is currently non-releasable because of biological reasons;
- ii. a licensed veterinarian determines, due to medical reasons, the animal requires additional rehabilitation time.
- b. All extension requests should include a proposed release date and be submitted in writing to LDWF Wildlife Division. The permit holder may continue to house the specified animal while LDWF is reviewing the request. LDWF will provide a written response and include specific dates and instructions regarding disposition of the animal.
- 8. WRP holders must ensure that animals are exposed to minimal handling and other human contact, except as necessary to maintain sanitary conditions, provide food and water, provide medical care, and prepare the animal for release.

- 9. Animals that are determined medically non releasable, exhibit signs of adjusted life in captivity and pose minimum zoonotic disease potential may be considered for educational animal designation. A LDWF Special Purpose and Possession permit application must be submitted to LDWF Wildlife Division by the end of the 90 day rehabilitation period to be considered for educational animal status.
- 10. All WRPs shall expire on December 31 of the year of issue unless otherwise noted.
- 11. Permits are non-transferable but may include up to 5 listed subpermittees. Subpermittees are authorized to transport, house, and provide care for animals away from the wildlife rehabilitation facility. A person caring for animals at the wildlife rehabilitation facility is not required to be a subpermittee. WRP holders desiring to add subpermittees, must submit a subpermittee application form. Subpermittee forms will only be accepted by the LDWF at the original time of permitting, renewal and during June 1-30 each year. Individuals may be removed as subpermittees at any time of the year. A subpermittee removal form must be submitted. All subpermittees:
 - a. must be 18 years of age or older;
- b. are exempt from the testing requirement but are subject to all other rules governing WRP holders including animal housing and care requirements;
- c. must work under the direction and supervision of the WRP holder;
- d. may be removed at any time by the supervising WRP holder or LDWF and in such cases must surrender any animals to the WRP holder or LDWF;
- e. must have a valid subpermittee permit on the premises where animals are housed if animals are housed away from the supervising WRP holder's facility.
- f. must not transport or possess RVS species away from the supervising WRP holder's facility unless they successfully pass the RVS examination.
- 12. WRP holders are subject to non-renewal or revocation of their WRP if LDWF determines that any of their listed subpermittees are not properly supervised or fail to abide by applicable WRP rules.
- 13. LDWF provides no financial or material assistance to wildlife rehabilitators.
- 14. Euthanasia of any animal held under a WRP is to be performed under the guidelines adopted by the American Veterinary Medical Association (AVMA).

- 15. Animals held under a WRP shall not be released on private land without written permission of the landowner or landowner designee.
- 16. Animals held under a WRP shall not be released on public land without first obtaining written permission from the governmental entity owning or administering the property.
- 17. All permitted animals and facilities in which they are housed shall be maintained within the minimum standards as provided by the National Wildlife Rehabilitators Association (NWRA) and International Wildlife Rehabilitation Council (IWRC) publication of Minimum Standards for Wildlife Rehabilitation.
- 18. It is strongly recommended that any wildlife rehabilitator working with rabies vector species receive pre-exposure rabies immunization.

G. Reporting and Renewal Requirements

- 1. All animals held under a WRP must be fully documented on Wildlife Rehabilitation Report Form provided by LDWF.
- 2. Wildlife Rehabilitation Report Forms for the permit period must be submitted to the LDWF no later than 30 days following the expiration of the permit and the WRP will not be renewed until these forms are received. Reports will cover the period from December 1 of the prior license year to November 30 of the current license year. Any wildlife rehabilitator who does not submit his/her report by the 30th day after the expiration date of the WRP, or who submits a false or materially incomplete report intentionally may be issued a citation for violation of Louisiana Wildlife and Fisheries Commission rules and regulations. If the citation does not result in a conviction, plea of guilty, or plea of no contest, the wildlife rehabilitator may be considered for reapplication upon receipt of the late wildlife rehabilitation form(s).
- 3. Report forms must be current and shall be available for inspection at all times by Wildlife Enforcement Agents or any other authorized representatives of the Department.
- 4. Upon expiration of a WRP and if the WRP has not been renewed, all animals held under the permit must be disposed of by transferring to a currently licensed WRP, released into the wild, or euthanized.

H. Penalties

1. Violations of this rule constitutes a Class 2 offense.

2. Violation of these rules may result in citation and/or revocation of the WRP.

AUTHORITY NOTE: Promulgated in accordance with the Louisiana Constitution, Article IX, Section 7, R.S. 56:1, R.S. 56:5, R.S.56:6 (10), and (15), and R.S. 56:115. HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR.

The Secretary of the Department of Wildlife is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed rule to Mrs. Carrie Salyers, Wildlife and Fisheries, Wildlife Division, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, December 3, 2009.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Robert J. Samanie, III Chairman

The next agenda item, To receive and hear Update on Statewide Turkey Poult Survey was presented by Mr. Larry Savage. He began stating this was a preliminary report on the 2009 turkey brood survey. Turkeys averaged 10 to 12 eggs per nest with incubation occurring in mid-April and hatches around mid-May. Less than half of the turkey eggs were successful due to the turkey being a ground nesting bird. During the first 2 weeks after hatching, less than 25 percent of the poults survive. For the poult survey, staff was measuring the older poults that would join the population in the fall. Statewide Department crews, U.S. Fish and Wildlife staff and National Forest and USDA personnel and volunteers record all turkeys they see when they go about their regular job duties. The total hens observed are divided by the total number of hens to get an average poult per hen. Factors that influence poult success included May rainfall with spring flooding and predators which are a symptom of quality habitat. Mr. Savage explained that quality turkey nesting habitat was good ground cover within open areas and the cover must be overhead and lateral on a large scale. A map of intensive land use that was altering quality turkey habitat was noted in southeast Bienville Parish and St. Tammany Parish. The average life expectancy of a turkey was a year and a half, so the population was usually composed of turkeys hatched within the previous 3 years. The state was divided into 5 habitat regions in which each has unique land uses and human population densities. The first region, western longleaf in Beauregard and Vernon Parishes, has had the highest average long term poult production

of 3.5 poults per hen and this year the data indicated 2.7 poults per hen. This area was restocked in the early and mid-1990's resulting in an expanding population but now was settling due to disease and parasites. North Mississippi Delta had a long term production average of 3.3 poults per hen and the average for 2009 was 2 poults per hen. The next region, northwest loblolly in Union, Bienville and Claiborne Parishes, also was restocked in the early 1990's and the average long term poult per hen was 3.3 and the preliminary data indicates 1.5 poults per hen due to excessive rainfall. Mr. Savage commented that the Arkansas region that sits next to Union and Claiborne Parishes recorded the lowest poult production ever. The Atchafalaya region has a long term average of 2.5 poults per hen and this years data showed 2.4 poults per hen. In 2008 for this region, the lowest poult per hen was recorded due to flooding and rainwater. The results of a study with LSU and the National Wild Turkey Federation showed the lack of ground cover was causing excessive nest mortality. Then Hurricane Gustav came last year which resulted in broken limbs and mid-storied trees blown down. This made for a good strong vegetative cover which LSU researchers felt the nest initiation doubled this year. The long term goals for the WMAs through the Forest Management staff was to improve quality nesting habitat on the landscape by doing regular forest thinning. Southeast loblolly in the Florida Parishes had a long term average of 2.4 poults per hen and this year's data was 2.3 poults per hen. This area over the last 15 years has had a stable production. Mr. Savage then commented that large parts of the state were seeing a down turn in turkey production. The turkey recommendations were moderately conservative and this approach was best for the statewide turkey situation.

To receive and consider Declaration of Emergency and Notice of Intent on Elmer's Island Wildlife Refuge was handled by Mr. Randy Pausina. He stated this action would govern the visitor regulations on the Refuge. Since the Notice of Intent process takes 120 days, Mr. Pausina requested the Commission act on a Declaration of Emergency which would make these regulations effective immediately. Photos shown include the sign from Highway 1 to Elmer's Beach, limestone road created by this Department and the Department of Transportation and Development (700 foot to hard sand), the purchase of articulated concrete mats so vehicles could access the beach and PVC pipes installed to help guide visitors to the beach. Then shown were pictures of activities occurring on Elmer's Island. Mr. Pausina then read the rules that were contained in both the Declaration of Emergency and Notice of Intent. Another reason for the emergency rule was the heavy use of the site from the day it was opened and that there was a need to protect public health, safety and welfare. Following the rules, Commissioner Oats asked what problems have there been with possession of firearms on Elmer's Island. Mr. Pausina stated he did not know of any problems, but stated that Mr. Myron Fischer, a staff person from the area, was attending the meeting. Mr. Fischer stated he did not know of any issues either, but the reason for this regulation was that the refuge was a fishing preserve and did not think there could be a mix of firearms and family. Commissioner Oats felt there was a need for more public input since there has been no problems. Also, he did not want to include the firearm regulation in the Declaration of Emergency but only in the Notice of Intent. Mr. Pausina added that firearms are not allowed on WMAs during the closed hunting season and this refuge would not allow any hunting. Commissioner Oats added that people in this state

have the right to bear firearms legally to protect themselves. Commissioner King asked if there were any enforcement personnel assigned daily or had routine checks. Mr. Pausina stated there were no specific agents assigned to the refuge, but the Strike Force was periodically in the area. Commissioner King asked what was the approximate number of visitors to the area since it opened and he was told about 1,000 per weekend. Commissioner King felt it was a huge public resource and the public would be served by not having firearms on the facility. Mr. Pausina commented that there was a provision on WMAs that allows the transporting of encased or disarmed firearms. Commissioner Oats shared with Commissioner King that there are a lot of people that visits the area and it was a wonderful deal. Hearing no further questions, Commissioner Oats made a motion to adopt the Declaration of Emergency with the exclusion of the regulation on firearms. Commissioner Sagrera seconded the motion and it passed with opposition from Commissioner King. Then Commissioner Oats made a motion to adopt the Notice of Intent as presented by staff and it was also seconded by Commissioner Sagrera. This motion passed unanimously.

(The full text of the Declaration of Emergency and Notice of Intent are made a part of the record.)

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Elmer's Island Wildlife Refuge was opened for public access on July 3, 2009. More than 800 people participated in fishing, crabbing, swimming and sun bathing during that holiday weekend. Since the refuge's opening it has been heavily used by the public, as it is commonly regarded as one of the premiere bank fishing locations in south central Louisiana. A recent attempt to clean up the refuge yielded in excess of 6,000 pounds of trash being removed.

Because of this heavy use, and in some instances misuse of the area, there is an urgent need to establish rules in order to protect the public health, safety and welfare. There is an immediate need to regulate the possession of glass containers, excessive vehicle speed and careless vehicle operations on the refuge and to enact and enforce other rules necessary for the health, safety and welfare of the visiting public. The absence of an existing rule impairs the Department's legal authority to enforce and protect the public health, safety and welfare. For these reasons, it is imperative that regulations be put in place immediately.

It is necessary for the Wildlife and Fisheries Commission to invoke the emergency provisions of the Administrative Procedure Act, R. S. 49:953(B) to adopt these rules. This Declaration of Emergency shall become effective October 1, 2009 and shall remain in effect

for the maximum period allowed under the Administrative Procedure Act or until adoption of the final rule.

Title 76

WILDLIFE AND FISHERIES

Part III. State Game and Fish Preserves and Sanctuaries

Chapter 3. Particular Game and Fish Preserves, Wildlife Management Areas, Refuges and Conservation Areas

§337. Elmer's Island Wildlife Refuge

- A. Visitor Regulations for Elmer's Island Wildlife Refuge
- 1. Use of the refuge will be permitted from thirty minutes before official sunrise to thirty minutes after official sunset. This includes any land access routes to the refuge. No person or vehicle shall remain on the Elmer's Island Wildlife Refuge or any land access routes during the period from thirty minutes after official sunset to thirty minutes before sunrise.
- 2. No person shall possess any glass bottles, glass drink containers or other glass products on Elmer's Island Wildlife Refuge.
- 3. The Secretary of the Department may restrict access to the refuge whenever circumstances exist such that restrictions are necessary to protect the Refuge or the public from harm. No person shall enter onto or be on the grounds of Elmer's Island Wildlife Refuge during a restricted access period; or alternatively shall do so only in accordance with restrictions set forth by the secretary.
- 4. No person shall commercially fish, conduct any guiding service, hunt, pursue, kill, molest or intentionally disturb any type of wildlife on the refuge, except for the legal recreational harvest of living aquatic resources.
- 5. No person shall be in areas marked as restricted by signs posted by the department.
- 6. No person shall operate any vehicles in a restricted area. No person shall operate a vehicle in an unsafe or careless manner as to endanger life or property or at any speed in excess of five (5) miles per hour.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:109, R.S. 56:109.2, R.S. 56:763 and R.S. 56:781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

Robert J. Samanie, III Chairman

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to promulgate rules and regulations governing visitor regulations on Elmer's Island Wildlife Refuge.

Title 76

WILDLIFE AND FISHERIES

Part III. State Game and Fish Preserves and Sanctuaries Chapter 3. Particular Game and Fish Preserves, Wildlife Management Areas, Refuges and Conservation Areas

§337. Elmer's Island Wildlife Refuge

- A. Visitor Regulations for Elmer's Island Wildlife Refuge
- 1. Use of the refuge will be permitted from thirty minutes before official sunrise to thirty minutes after official sunset. This includes any land access routes to the refuge. No person or vehicle shall remain on the Elmer's Island Wildlife Refuge or any land access routes during the period from thirty minutes after official sunset to thirty minutes before sunrise.
- 2. No person shall possess any glass bottles, glass drink containers or other glass products on Elmer's Island Wildlife Refuge.
- 3. The Secretary of the Department may restrict access to the refuge whenever circumstances exist such that restrictions are necessary to protect the Refuge or the public from harm. No person shall enter onto or be on the grounds of Elmer's Island Wildlife Refuge during a restricted access period; or alternatively shall do so only in accordance with restrictions set forth by the secretary.
- 4. No person shall possess a firearm of any type, bow and arrow or crossbow while on Elmer's Island Wildlife Refuge.

- 5. No person shall commercially fish, conduct any guiding service, hunt, pursue, kill, molest or intentionally disturb any type of wildlife on the refuge, except for the legal recreational harvest of living aquatic resources.
- 6. No person shall be in areas marked as restricted by signs posted by the department.
- 7. No person shall operate any vehicles in a restricted area. No person shall operate a vehicle in an unsafe or careless manner as to endanger life or property or at any speed in excess of five (5) miles per hour.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:109, R.S. 56:109.2, R.S. 56:763 and R.S. 56:781 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR

The Secretary of the Department of Wildlife is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic impact statements, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit comments relative to the proposed rule to Mr. Joey Shepard, Research & Assessment Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, prior to Thursday, December 3, 2009.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Robert J. Samanie, III Chairman

The Commissioners agreed to hold the **February 2010 Meeting** on Thursday, February 4, 2010, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Next agenda item was to receive **Public Comments** and none were heard.

There being no further business, Commissioner Oats made a motion to **Adjourn** the meeting and it was seconded by Commissioner Taylor.

Robert J. Barham Secretary

scf